



## UNIVERSITY POLICY

### HUMAN RESOURCES POLICIES

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**Number: 313**

**Subject: Background Check Policy**

**Covered Individuals: All current and prospective employees, student employees, interns, and volunteers**

**Covered Campus Locations: All US Locations**

**Effective Date: May 15, 2019**

**Last Revision:**

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#### **PURPOSE**

Upper Iowa University (UIU) is committed to ensuring the safety and security of its employees, students, interns, and visitors and therefore; will deny employment, volunteer services, or internships to any individual with a criminal conviction that may create a potential risk to the University.

#### **DEFINITIONS**

- A. Criminal Background Check – a report on an individual's criminal charges, convictions, probation, Social Security Number (SSN) trace/validation, and sex offender registry.
- B. Motor Vehicle Report (MVR) – a report on an individual's driving history in current state of licensure.
- C. Credit Report – a report on an individual's credit history.
- D. Fair Credit Reporting Act (FCRA) – Federal legislative act that regulates the use and dissemination of consumer credit information administered by the Federal Trade Commission.
- E. National Student Loan Data System (NSLDS) -- the U.S. Department of Education's central database for student aid. It receives data from schools, agencies that guarantee loans, the Direct Loan program, the Pell Grant program, and other U.S. Department of Education programs.
- F. Federal Student Aid Identification (FSA ID) -- a username and password that you must use to log in to certain U.S. Department of Education (ED) websites.
- G. Pre-Adverse Action Notice – notification that the employer may take action based on the information in a background check report that negatively affects applicant's employment.

- H. Adverse Action Notice – notification of action taken by the employer not to hire based on the information in a background check report that negatively affects applicant's employment.

## **POLICY**

It is the policy of UIU that all offers of employment for new faculty, staff, and graduate assistants are contingent upon the successful completion of a background check. Volunteers, interns, current employees, and student employees will also be required to have a successful background check in the event they meet the criteria as outlined in the policy.

### ***Criteria for Background Checks***

- All newly hired faculty and staff.
- Transfer of a current employee may warrant a driving or credit check as outlined in this policy.
- Student employees, volunteers, or interns that will be in direct contact with minors, drive a University owned or leased vehicle as an essential function of their job, have access to residential areas, and/or handle cash will be subject to a background check. The list below includes (but is not limited to) positions that will require a background check for student employees, volunteers, or interns:
  - Campus Store
  - Rainbow Land Daycare
  - Fayette Elementary School
  - Facilities Student Workers
  - Counseling Services
  - Social Work
  - Resident Assistants
  - Rec Center
  - Alumni/Advancement
  - Camps
  - Fayette Community Library
  - Any position that requires a student to operate a University owned or leased vehicle.

Additionally, a new background check will be required if there is a break in service for any employee. Note: For adjunct instructors a new background check will be required if there is a break in service of more than one year from the last course taught. For student employees a new background check will be required if there is a break in service of more than one year from the last day worked.

### ***Types of Background Checks***

UIU utilizes a third-party vendor to complete background check investigations. All background screening reports will contain the following information at a minimum:

- SSN trace and validation
- Criminal felony & misdemeanor
- Widescreen plus national criminal search
- National sex offender search

Add-ons based on position type may include the following:

- MVR
- Credit report

Results of the background check report will be housed in Human Resources (HR) and will be kept strictly confidential. Specific information discovered through the background check will not be shared with the hiring manager and will not be included as part of the search or personnel file.

### Criminal Background Checks

The existence of a criminal record will not automatically disqualify an individual from employment. The nature and number of convictions, the amount of time that has passed since the last date of offense and (if applicable) the last date of incarceration, and the relationship between the conviction and the job duties and responsibilities will be taken into consideration.

Upon receipt of the background investigation findings, HR will assess the results using the following criteria:

- Only convictions, not arrest records or dismissed charges, will be considered.
- Final deferred judgments will be treated as not-guilty verdicts.
- Convictions older than 7 years from the date of application will not be considered, unless applicable to the position or similar in type to more recent convictions.
- Sealed records will not be accessed.

Analysis of the convictions will include but not be limited to:

- Whether the convictions were disclosed on the application form;
- The nature and gravity of the offense;
- The time that has elapsed since the conviction and/or completion of the sentence and any other remediation;
- The nature of the position applied for;
- Age of the individual at the time of the incident;
- Safety and security of UIU assets and members of the UIU community.

### MVR

To ensure the safety of our employees and students, as well as to be compliant with our insurance provider, any new employee or student/graduate assistant who would be operating a UIU fleet vehicle must have an MVR completed and not be considered a high risk driver prior to the operation of a fleet vehicle. All current employees or student employees/graduate assistants will need to have an updated MVR completed upon the renewal of their driver's license.

Identification of High Risk Drivers: An employee or student/graduate assistant will be classified by the University as a high risk driver if the MVR report indicates or if it is otherwise determined, that the driver has any of the following violations within the most recent three-year period:

- Conviction for an alcohol and/or drug-related driving offense
- Refusal to submit to a Blood Alcohol Content (BAC) test
- Conviction for reckless driving
- Any combination of three or more moving violations or chargeable (at fault) accidents
- Citation for leaving the scene of an accident
- At fault in a fatal accident
- Felony, assault, or homicide arising out of operation of a motor vehicle
- License suspension or revocation within the past three years
- Failure to stop or report when involved in an accident

Any employee or student/graduate assistant considered as a high risk driver will not be able to operate a UIU fleet vehicle. Any employee or student/graduate assistant who meets any of the above situations are required to report the situation to HR.

#### *Credit Report*

Positions that require access to the NSLDS for an FSA ID will be required to have an acceptable credit report outlining that the candidate is in good standing on any Title IV loans. All credit reports will be requested in compliance with the FCRA. These positions include:

- Positions in the Financial Aid department
- Data Processing Specialists
- Assistant Director of Data Processing
- CRM Administrator

#### ***Pre-Adverse Action***

If adverse information is found during the background check investigation, HR will send the finalist a Pre-Adverse Action Notice, a copy of the background report, and a summary of their rights as outlined in the FCRA.

If the applicant believes any information in the criminal background, MVR, or credit report provided to the University is inaccurate, the applicant will have five business days to dispute any findings with the third-party vendor that conducted the background check.

#### ***Adverse Action***

If the applicant does not dispute the accuracy of the background check report containing adverse information or if the matter is not adequately resolved within five business days, the applicant will receive an Adverse Action Notice and an additional copy of the summary of their rights as outlined in the FCRA. HR will then follow-up with the selected candidate to rescind the offer of employment.

### ***Current Employees Notification of Conviction***

UIU reserves the right to screen current employees when it has reasonable grounds to do so, e.g. upon notification of a criminal conviction. All current employees are required to notify HR within 48 hours upon final conviction of a misdemeanor or felony.

Upon notification to HR, the University's third-party background screening vendor will obtain an authorization from the employee and conduct the background check investigation.

### **RULES, PROCEDURES, GUIDELINES, FORMS, AND OTHER RELATED RESOURCES**

[Qualified Driver Procedure](#) (must be logged into myUIU to access)

### **CONTACTS**

Acting as the policy owner, the Office of Human Resources is responsible for answering questions regarding the application of this policy.

### **SANCTIONS**

N/A

### **HISTORY**

- April, 2019 – policy assembled by the Human Resources Department
- April 29, 2019 – Recommended by University Policy Committee for approval
- May 15, 2019 – Approved by President's Council